

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**ERIC MILLER,**  
Plaintiff,  
  
v.  
  
**EDUTREK, LLC,**  
Defendant.

Case No. 14-cv-01277-YGR

**ORDER OF DISMISSAL FOR FAILURE TO  
PROSECUTE**


On December 3, 2014, the Court set a hearing for December 19, 2014, ordering plaintiff Eric Miller to appear personally and confirm his intention to prosecute this action. (Dkt. No. 33.) He was warned that his failure to do so would result in dismissal of this action for failure to prosecute. Mr. Miller did not appear at the December 19 hearing.

The Court has also reviewed the binder of documents provided by plaintiff's counsel at that hearing and defendant's letter of December 29, 2014 in regards to plaintiff's counsel's pre-filing diligence. Having considered those documents and all filings in this matter, and good cause appearing, the Court hereby **DISMISSES WITH PREJUDICE** this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

The hearing date of January 13, 2015 is **VACATED**.

**IT IS SO ORDERED.**

Dated: January 12, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE